

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID AVILA, et al.,

No. 2:24-cv-02264-TLN-CSK

Plaintiffs,

v.

NEWREZ, LLC D/B/A SHELLPOINT
MORTGAGE SERVICING, et al.,

Defendants.

ORDER

Plaintiffs David Avila and John Hayne, proceeding pro se, filed this action to challenge a mortgage foreclosure of their home. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 4, 2024, the magistrate judge filed findings and recommendations, which were served on the parties, and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed, and the deadline has passed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the

1 magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”).
2 Having reviewed the file, the Court finds the findings and recommendations to be supported by
3 the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations (ECF No. 26) are ADOPTED IN FULL; and
6 2. Plaintiffs’ second Motion for Temporary Restraining Order (ECF No. 19) is DENIED.

7 DATE: December 5, 2024
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11 TROY L. NUNLEY
12 CHIEF UNITED STATES DISTRICT JUDGE
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